

complaint

Miss M complains that Hastings Insurance Services Limited (trading as Hastings Direct) mishandled a claim on her motor insurance.

background

Miss M says the other driver was at fault for damage to her car in a road traffic accident. Ms M complained that her insurer should refund her excess of £450.

The adjudicator didn't recommend that the complaint should be upheld. He thought that Hastings would continue to try and recover its financial outlay, together with Miss M's policy excess, from the third party.

Miss M disagrees with the adjudicator's opinion.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

Most motor insurance policies allow insurers to decide how to deal with and settle any claim involving a third party.

The Financial Ombudsman Service considers how the insurer reaches its decision under such a policy term. Provided it does so fairly we're unlikely to intervene.

Unlike a court, we don't hear directly from each driver and decide the extent to which each of them is responsible for causing injury or damage.

Most motor insurance policies provide for the policyholder to pay the first few hundred pounds of damage to her own vehicle – the policy excess.

That's the case regardless of who was responsible for causing the damage.

From what Miss M says, she paid £450.

She may try to recover that sum from the third party.

But Hastings says it had an outlay. In the usual course of events, I think this was the balance of the cost of repairs to Miss M's vehicle.

And Hastings says it is still pursuing the third party for its outlay.

In its final response letter in July 2016, Hastings said it would include Miss M's excess in the amount it was claiming from the third party. Hastings acknowledged some shortcomings in its communication with Miss M – and it said it was sending her a cheque for £50.

More recently, Hastings has said that it is still pursuing the third party to recover the excess on behalf of Miss M.

The accident was in October 2015. So the process of recovery is taking a long time.

But I have to keep in mind that – as between Miss M and her insurer – she had to pay the excess.

And Hastings is pursuing its own claim at the same pace as Miss M's.

Overall I'm not persuaded that it would be fair and reasonable to order the insurer to do any more in response to this complaint.

my final decision

For the reasons I've explained, my final decision is that I don't uphold this complaint. I make no order against Hastings Insurance Services Limited (trading as Hastings Direct).

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss M to accept or reject my decision before 28 March 2017.

Christopher Gilbert
ombudsman